

### **REMARKS**

The following remarks are responsive to the Office Action of May 28, 2010.

At the time of the Office Action, claims 22-42 were pending. Claim 37 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 22, 28, and 42 were rejected under 35 U.S.C. §102(e) as anticipated by Yamasaki (U.S. Patent No. 6,659,836). Claims 22-23, 28-29, 35-37, 39-40, and 42 were rejected under 35 U.S.C. §103(a) as obvious over Hazama (U.S. Patent Application Publication No. 2001/0014622) in view of Official Notice. Claims 30-32 were rejected under 35 U.S.C. §103(a) as obvious over Hazama in view of Sity (U.S. Patent No. 6,331,145). Claims 33-34 were rejected under 35 U.S.C. §103(a) as obvious over Hazama in view of Lee (U.S. Patent No. 6,102,397). Claim 38 were rejected under 35 U.S.C. §103(a) as obvious over Hazama in view of Nagashima (Japanese Patent No. 2002-248275A). Claim 41 were rejected under 35 U.S.C. §103(a) as obvious over Hazama in view of Mustelier (U.S. Patent No. 4,019,745). Claims 24-27 were objected to for depending on rejected claims, but would be allowable if re-written in independent form.

#### **Summary of Response to Office Action**

Claims 22 and 24-43 are pending.

Claims 22, 24-42 are amended.

Claim 23 is canceled.

Claim 43 is new.

Applicants thank the Examiner for indicating that claims 24-27 are allowable.

Applicants traverse the 35 U.S.C. §§102(e), 103(a) claim rejections and assert that the amended claims are patently distinct over the cited art.

Applicants respectfully traverse the Office Notice taken by the Examiner.

#### **Claim Amendments**

Support for new claim 43 can be found at least at p. 6, ll. 8-10 of the as filed application (U.S. Pat. Pub. No. 2006/0246403, p. 2, ¶ 22).

Claim 22 is amended to include the elements of claim 23.

No new matter is added by this amendment.

Claim Rejections Under 35 U.S.C. §112, second paragraph

Claim 37 is amended to differently recite the claimed invention. No new matter is added by this amendment. Applicants assert that claim 37 complies with 35 U.S.C. §112, second paragraph. Withdrawal of the rejection of claim 37 under 35 U.S.C. §112, second paragraph is requested.

**Claims 22 and 24-42 are Patentably Distinct Over the Cited Art**

Consider a portion of claim 22, which recites in part:

comprising a multiplexer between each radiofrequency reader and the associated group of antennas

The cited art does not disclose or render obvious the elements recited above. Applicant traverses the Office Notice (Office Action, p. 4) taken as the Applicant believes that it would not have been instant and unquestionable for a person of ordinary skill in the art to design the invention of claim 22 with a multiplexer between each radio-frequency reader and the associated group of antennas. Official notice should only be taken where the facts are capable of instant and unquestionable demonstration as being well-known. As noted by the court in *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970). See MPEP 2144.03(A). Applicant respectfully requests that the Examiner support his assertion with documentary evidence.

The Examiner states that the Applicants have not stated any advantage of the architecture as recited in claim 22. Office Action, p. 4, ll. 7-10. To the contrary, the invention of claim 22 has the advantage that “the response time, which would be about a few seconds, typically 2.5 s, if all the antennas of the sensor elements were connected to a serial input of a centralized processing circuit, is reduced to about 90 ms.” As filed application, p. 7, ll. 24-27 (U.S. Pat. Pub. No. 2006/0246403, p. 2, ¶ 28). And the further advantage that, “The radio frequency reader and tag no longer have to manage possible collisions and can therefore be simplified. Each multiplexer in fact enables selective interrogation and reading of each associated antennae under the control of the digital processing circuit.” *Id.* at p. 6, ll. 15-17 (*Id.* at p. 2, ¶ 23).

Hazama has a detector for each antenna. (see FIG. 15). Yamasaki has a different architecture where one embodiment is described as “one antenna coil group is composed of a 4 by 4 (4x4) array of sixteen antenna coils 19 each serving as a reading position. And these antenna coils *are controlled collectively when activated.*” Yamasaki, c. 3, ll. 51-53.

The art of record does not disclose or render obvious the three tiered architecture recited by claim 22 as illustrated in FIG. 5 (note that the digital processing circuit 15 communicates with a PC) that provide the advantages discussed above where each of the antenna 14 can be individually queried and where there is no need for circuitry for resolving conflicts.

Additionally, claim 22 recites “a plurality of radio-frequency readers respectively connected to corresponding input/output terminals of the digital processing circuit.” None of the cited prior art disclose or render obvious these recited elements. The recited elements provide an architecture with the benefit of not having to resolve conflicts. See as filed application, p. 6, ll. 4-17 (U.S. Pat. Pub. No. 2006/0246403, p. 2, ¶¶ 22, 23).

Withdrawal of the rejection of claim 22. Since claims 28-41 depend from claim 22, withdrawal of the rejections of claims 28-41 is requested for at least the same reasons as for claim 22. Moreover, since claim 42 recites similar limitations as claim 22, withdrawal of the rejection of claim 42 is requested for similar reasons as for claim 22.

#### **New Claim 43 is Patently Distinct Over the Cited Art**

Consider a portion of claim 43, which recites in part:

wherein each radio-frequency reader and each radio-frequency tag comprise an anti-collision function

The cited art does not disclose or render obvious the elements recited above. Neither Hazama nor Yamasaki disclose or render obvious an anti-collision function in both the radio-frequency reader and each radio-frequency tag.

There is simply no indication in either Hazama or Yamasaki of an anti-collision function in each radio-frequency tag. See FIG. 2 of the Application for an example of a radio-frequency tag. The recited elements of claim 43 provide the same advantage as discussed above of “the response time, which would be about a few seconds, typically 2.5 s, if all the antennas of the sensor elements were connected to a serial input of a centralized processing circuit, is reduced to about 90 ms.” As filed application, p. 7, ll. 27-31 (U.S. Pat. Pub. No. 2006/0246403, p. 2, ¶ 28). In the embodiment recited in claim 22 as discussed above, collisions are avoided by use of multiplexes whereas in the embodiment recited in claim 43 collisions are avoided by including an anti-collision function in both the radio-frequency reader and radio-frequency tag.

In both claims 22 and 43, the recited architecture provides substantially reduced

In re Appln. of Monpouet et al.  
Application No. 10/574,465  
Response to Office Action of May 28, 2010

response time because in both cases the architecture enables a single radio frequency reader to manage a plurality of radio-frequency tags. As described in the Application “[t]he association of a radio-frequency reader with several antennas (141 to 14n) and the parallel connection of several radio-frequency readers (131 to 13m) on output of the digital processing circuit 15 enable the response time to be significantly reduced.” As filed application, p. 7, ll. 24-27 (U.S. Pat. Pub. No. 2006/0246403, p. 2, ¶ 28).

For at least the reasons stated above allowance of claim 43 is requested.

### **Conclusion**

For the foregoing reasons, the application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

/brian c. rupp/

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